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August 25, 2008

**VIA FACSIMILE TRANSMISSION 544-8399**

Gregg M. Ushiroda, Esq.  
Leighton M. Hara, Esq.  
Watanabe Ing, LLP  
First Hawaiian Center  
999 Bishop Street, Floor 23  
Honolulu, HI 96813

RE: Mark H., et al. v. Hamamoto, et al., Civ. No. 00-282 MLR/LEK  
Stephen L., et al. v. Hamamoto, et al., Civ. No. 00-338 MLR/LEK  
Patricia N., et al. v. Hamamoto, et al., Civ. No. 00-252 MLR/LEK

Dear Messrs. Ushiroda and Hara:

Regarding the hearing on Defendants' Motion to Preclude the Testimony of Barbara Bateman and Defendants' Motion to Dismiss Second Amended Complaint set for September 11, 2008, Mike Livingston from our office intended to present our case and represent our clients at these hearings. Mike has recently suffered a very bad break of his ankle when he was skiing in late May while on vacation. He did have eleven screws and a plate surgically implanted into his leg. It took Mike a full month until the doctors would permit him to return to work.

Mike was recovering well. However, he discovered that five of these screws were broken and that because of this, he needs to have corrective surgery as soon as possible. According to the medical sources, this is a much trickier operation because now the broken screws are imbedded in the bones.

The bottom line is that we must postpone the hearing now set for the September 11, 2008. I am in communication with Mike and will discuss with him when he thinks he would be available to attend this hearing. Our memoranda in oppositions to the motions were filed on Friday, August 22, 2008. This letter is written to provide you with earliest possible notice of this situation. My partner, Mark Davis, believes that we can reset the hearing for mid-October.

**EXHIBIT B**

**DAVIS·LEVIN  
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Leighton M. Hara, Esq.  
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I appreciate your consideration of this matter.

Sincerely,

**DAVIS LEVIN LIVINGSTON**



STANLEY E. LEVIN

SEL/dm